



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Ref: 8WM-DW

OCT 19 1994

Jon R. Rice, M.D.
State Health Officer
North Dakota State Department of Health and
Consolidated Laboratories
1200 Missouri Avenue
P.O. Box 5520
Bismarck, North Dakota 58502-5520

Dear Dr. Rice:

North Dakota's Public Water System Supervision Program, administered by the Division of Municipal Facilities, has completed all the necessary steps for program revision in order to comply with the Environmental Protection Agency's (EPA) Phase II (7 inorganic and 26 organic chemicals), Phase IIb (1 inorganic and 4 organic chemicals), and Phase V (5 inorganic and 18 organic chemicals) Regulations. The purpose of this letter is to officially notify you of EPA's approval of North Dakota's primacy revisions for Phase II, Phase IIb, and Phase V. North Dakota is the second state in Region VIII to receive EPA approval for these rules. I commend your staff's efforts to bring about this success.

A *Federal Register* notice of this determination is scheduled for publication in November 1994. In addition, Federal regulations, 40 CFR §142.13, require that a notice of this determination be printed in newspapers of general circulation, and that an opportunity for a public hearing be provided. Such a notice shall be published in three North Dakota newspapers on or around the same date as the *Federal Register* notice.

If a public hearing is held, the record of the hearing shall be thoroughly reviewed and an order shall be issued either affirming or rescinding the determination. If the determination is affirmed, it shall become effective as of the date of the order. If no valid request for a public hearing is received, this determination shall become effective thirty (30) days after the *Federal Register* notice is published.

Sincerely,

William P. Yellowtail
Regional Administrator

cc: Patrick Crotty, 8WN-DW



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999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

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Ref: 8WM-DW

MEMORANDUM

SUBJECT: ORC Concurrence on North Dakota's Final Primacy
Revisions for the Phase II, Phase IIb and Phase V Rules

FROM: Bob Clement, Environmental Engineer *BC*
Public Water Supply Program Team

TO: David Schachterle, Chief *DS*
Air/Water/General Law Section
Office of Regional Counsel

North Dakota has submitted a complete primacy revision for the Phase II, Phase IIb, and Phase V rules. Upon review of these primacy revisions, the Public Water Supply Program (PWSP) Team has found them no less stringent than their federal counterparts. Therefore, the PWSP Team approves North Dakota's Phase II, Phase IIb, and Phase V rules.

We would appreciate your review of this submittal by September 30, 1994. If you agree with the PWSP's determination please have the Regional Counsel sign below (the Acting General Counsel has delegated this to Regional Counsel in a memorandum dated August 19, 1992, and has asked the Regional Counsel to personally concur). If you have any questions please call me at x1259. Thank you.

The undersigned concurs with the PWSP Section's determination to approve North Dakota's primacy revisions for the Phase II, Phase IIb, and Phase V rules.

Michael T. Berman for
Thomas A. Speicher, Regional Counsel

9/23/94
Date

Attachments

cc: D. Wayne Kern, NDDHCL
Pat Crotty, 8WM-DW



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REGION VIII

CONCURRENCE COPY

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Public Notice

Public notice is hereby given in accordance with the provisions of §1413 of the Safe Drinking Water Act as amended, 42 U.S.C. 300g-2, and 40 CFR Part 142, Subpart B-Primary Enforcement Responsibility, that the State of North Dakota has revised its Public Water System Supervision (PWSS) Primacy Program. North Dakota's PWSS program, administered by the North Dakota Division of Municipal Facilities, has adopted regulations for Phase II (7 inorganic and 26 organic chemicals), Phase IIb (1 inorganic and 4 organic chemicals), and Phase V (5 inorganic and 18 organic chemicals) that correspond to the National Primary Drinking Water Regulations (NPDWR) in 40 CFR Part 141 for Phase II (Federal Register Vol. 56, No. 20, January 30, 1991, Pg. 3526-3597), Phase IIb (Federal Register Vol. 56, No. 126, July 1, 1991, Pg. 30266-30281), and Phase V (Federal Register Vol. 57, No. 138, July 17, 1992, Pg. 31776-31849). The Environmental Protection Agency (EPA) has completed its review of North Dakota's primacy revisions and has determined that they are no less stringent than the NPDWRs for Phase II, Phase IIb and Phase V. EPA therefore approves North Dakota's primacy revisions for the Phase II, Phase IIb and Phase V Regulations.

Any interested parties are invited to submit written comments on this determination and may request a public hearing within 30 days of publication in the Federal Register [the Federal Register public notice was published on or around the same date as this public notice]. If a public hearing is requested and granted, this determination shall not become effective until such time following the hearing that the EPA Regional Administrator issues an order affirming or rescinding this action.

Requests for a public hearing should be addressed to:

William P. Yellowtail, Regional Administrator
c/o David Schmidt, 8WM-DW
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2466.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request is made within the time-frame indicated, a public hearing will be held.

Any request for a public hearing shall include the following: (1) the name, address, and telephone number of the

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Clement
10/12/94

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individual, organization, or other entity requesting the hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at the hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the Federal Register and in newspapers of general circulation in the State of North Dakota. A notice will also be sent to the person(s) requesting the hearing as well as to the State of North Dakota. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective 30 days after publication in the Federal Register [the Federal Register public notice was published on or around the same date as this public notice]. Please bring this notice to the attention of any persons known by you to have an interest in this determination.

All documents relating to this determination are available for inspection at the following locations:

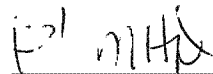
U.S. EPA Region VIII
Drinking Water Branch
999 18th Street (4th floor)
Denver, Colorado 80202-2466

North Dakota State Department of Health and
Consolidated Laboratories
1200 Missouri Avenue, P.O. Box 5520
Bismarck, North Dakota 58502-5520

For Further Information Contact:

David Schmidt, (8WM-DW)
Drinking Water Branch
U.S. EPA Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2466
303-293-1415 or 1-800-227-8917, ext. 1415

DATED: NOV 23 1994



Max H. Dodson
Director
Water Management Division
U.S. EPA Region VIII

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